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STATE FOR EAP/MTS, EEB/IFD/OIA, INL BARCLAY
DOJ FOR AG MICHAEL MUKASEY
DOJ FOR CRIM AAG SWARTZ
DOJ/OIA FOR WARNER/ROBINSON
DOJ/OPDAT FOR ALEXANDRE/LEHMANN/JOHNSON
MCC FOR AMBASSADOR DANILOVICH AND MORFORD
DEPT PASS USTR FOR AMBASSADOR SCHWAB
TREASURY FOR IA - BAUKOL
USAID FOR ANE/AA WARD

SENSITIVE
SIPDIS

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TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [ECON](#) [ID](#)
SUBJECT: Scen setter for Attorney General Mukasey visit to
Indonesia

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¶1. (SBU) Summary: Department of Justice assistance programs are essential to Indonesia's continued democratic development. Over the past ten years of its democratic transition, Indonesia has worked to establish the laws, institutions, and procedures for sustained governance reform and rule of law. The Department of Justice is partnering with Indonesia on many fronts: counter-terrorism, anti-corruption, criminal procedure reform, asset forfeiture, trafficking in persons, environmental protection, and overall investigative and prosecutorial capacity. Our partnership has yielded concrete results -- terrorists arrested and convicted, millions of dollars in illegal logs seized, major meth labs closed -- advancing U.S. strategic interests and improving governance in Indonesia. The Attorney General's trip to Indonesia underscores the importance of our growing partnership on law enforcement and rule of law. End Summary.

Institutional Overview and DOJ Components in Indonesia

¶2. (SBU) Functions exercised by the Department of Justice in the U.S. are divided among several institutions in Indonesia. The Indonesian National Police (INP) is primarily responsible for investigations. The Attorney General's Office (AGO) handles prosecutions in ordinary cases in the general courts and is authorized to investigate corruption cases. The Corruption Eradication Commission (KPK) leads high-level investigations and prosecutions, and presents its cases in a specialized Anti-Corruption Court. The Ministry of Law and Human Rights is responsible for developing justice sector legislation, administration of the prisons, and serves as Indonesia's central authority for mutual legal assistance requests.

¶3. (SBU) Four different DOJ components are helping to advance the rule of law in Indonesia. DOJ/ICITAP Indonesia is developing the operational and organizational capacity of the police through technical assistance, training, and limited equipment donations to augment the police's transition to be a professional democratic law

enforcement organization. DOJ/OPDAT is establishing terrorism and transnational crimes and corruption task forces at the AGO. Partnering with the Ministry of Law, OPDAT assists with drafting laws, including a new criminal procedure code and asset forfeiture law. FBI/Legat Jakarta provides operational and developmental support to the police in the areas of counterterrorism, corruption, and transnational crime. DOJ's Drug Enforcement Administration (DEA), represented out of U.S. Embassy Singapore, provides operational support and training to the police and the National Narcotics Bureau. Joint Inter-Agency Task Force (JIATF)-West also provides infrastructural development, technical assistance, and training in partnership with DEA.

Counter-Terrorism Partnership Produces Results

14. (SBU) Security has objectively improved in Indonesia since the spate of terrorist attacks in 2002-2005, although a weakened regional terrorist organization Jemaah Islamiyah continues to exist. Over the last six years, Indonesia has arrested and convicted over 250 terrorists - including three Bali bombers who currently await execution. Police Chief General Sutanto, a top-flight reformer, is establishing a professional police force that manages internal security, particularly CT efforts. The FBI has quietly worked with the police and provided operational support on CT and transnational crime. The OPDAT-supported AGO Terrorism and Transnational Crimes Task Force has successfully prosecuted the last 43 terrorists arrested, including 26 JI members, in less than two years of operation.

Governance Reform: Institutionalizing the Rule of Law

15. (SBU) When President Suharto stepped down in 1998, rule of law

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was weak and patronage characterized governance. Reform of law enforcement institutions and their procedures has been a cornerstone of DOJ programs to support rule of law in Indonesia. Behind the scenes, ICITAP programs have led to fundamental reforms at the police, such as a reorganization of the criminal investigative division and the adoption of a use of force policy. OPDAT has assisted in drafting a comprehensive new Criminal Procedure Code that moves Indonesia from a confession-based inquisitorial system towards an evidence-based, adversarial approach. These DOJ programs have improved law enforcement capacity and promoted greater prosecutor-police cooperation.

Anti-Corruption Reform: Steady Progress

16. (SBU) President Yudhoyono has made combating corruption his top priority. The Corruption Eradication Commission, an independent government body established in 2004, has prosecuted high-profile cases and coordinates government-wide prevention strategies. Funded by the US Millennium Challenge Corporation (MCC) Threshold Program, ICITAP is purchasing multi-million dollar electronic surveillance equipment for the KPK, which enables the GOI to gather electronic evidence for corruption prosecutions more effectively. OPDAT and DOJ's Asset Forfeiture and Money Laundering Section are assisting in developing an asset forfeiture law to permit non-conviction based (in rem) forfeiture of assets and seek the return of proceeds of corruption that have been moved overseas. The AGO is also a critical piece to the anti-corruption reform movement due to its nationwide reach and institutional strength. The Attorney General's visit will provide the opportunity to announce the creation of an elite Anti-Corruption Task Force within the AGO, which will be supported by OPDAT and modeled after the successful Terrorism and Transnational Crimes Task Force.

Preserving an Environmental Superpower

17. (SBU) Indonesia is home to the world's greatest marine diversity and the second greatest terrestrial diversity in the world after the Amazon. However, illegal loggers are rapidly destroying much of

Indonesia's virgin forest. Illegal forest fires set to clear land have also contributed to Indonesia being the world's number three carbon emitter. ICITAP's marine police project has provided the police with 15 high-tech boats through a U.S. Trade Representative (USTR) negotiated agreement. The INP has used the boats in their first year to seize \$4 million illegally harvested logs, as well as catch human traffickers. OPDAT is working with DOJ's Environment and Natural Resources Division to conduct illegal logging workshops for police and prosecutors.

Trafficking In Persons: Progress in Strategic Hot Spot

18. (SBU) Due to economic conditions, limited police capacity and porous borders, Indonesia has long been a major source country for trafficking in persons. Systemic change is improving the trafficking situation. In 2007, Parliament passed a comprehensive anti-trafficking in persons (TIP) law, with OPDAT providing assistance in the drafting and current implementation of the law. ICITAP has established the internationally recognized Point of Origin strategy, which has trained several hundred police as well as NGO leaders in vulnerable TIP areas to provide communication between TIP victims, NGOs, and police. This technical assistance and training have resulted directly and indirectly in the dismantling of several trafficking organizations, numerous arrests, and hundreds of women and minors being rescued from trafficking.

Sustaining Indonesia's Commitment to Governance Reform

19. (SBU) The Department of Justice efforts are not alone. Indonesia
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has the largest MCC Threshold Program, including \$35 million in anti-corruption programs, which works with the court, the KPK, and other "rule of law" agencies. The State Department's Anti-Terrorism Assistance (DS/ATA) program provides operational training for Indonesia's anti-terrorism unit. USAID and other Embassy components, along with the Australian and other embassies, are also working to transform Indonesia's judicial and law enforcement institutions.

110. (SBU) All of this progress throughout Indonesia's democratic transition adds up to a major success story. Yet, much remains to be achieved. Indonesia is still developing its governance architecture and results are only now starting to materialize. A sustained U.S.-Indonesian partnership to promote regional stability and rule of law is essential to Indonesia's continuing democratic development. The Department of Justice programs are a critical element of our bilateral relationship and have led to tangible progress in developing the laws, institutions, and practices for democratic rule of law in Indonesia.

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